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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/299,724
Filing Date: April 27, 1999
Appellant(s): KAGLE, JONATHAN

John M. Fleming
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/3/05.

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(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying that there are no related appeals and interferences is

contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

The rejection of claims 1-68 stand or fall together because appellant's brief does

not include a statement that this grouping of claims does not stand or fall together and

reasons in support thereof. See 37 CFR 1.192(c)(7).

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) **Prior Art of Record**

6,112,242   JOIS   8-2000

6,330,575   MOORE   12-2001

(10) **Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-68 remain rejected under 35 U.S.C. 103(a) as being unpatentable Jois et al.

(US Pat No. 6,112,242, 8/29/00, filed 7/10/96) in view of Moore et al. (US Pat No.

6,330,575 B1, 12/11/01, filed 3/31/98).

Regarding independent claim 1, Jois discloses:

- generating a web page layout (col 7, lines 6-18: fetching and incorporating the

  subtemplates #0, #1, #2 onto the master template 500 show generating the

  master template, which is the layout of the web page)

- the master template includes the subtemplates, which are equivalent to the

  predetermined regions of the web page layout (col 6, lines 14-25, figure 5)

Jois does not disclose:

- receiving a style template selection signal indicative of a the user selection

  device pointing a selected style template for the predetermined region, the

  selected style template including at least one HTML code defining a style of the

  style template

- generating an updated web page layout responsive to receiving the style

  template selection signal

Moore discloses:

- receiving a style template selection signal indicative of the user selection device pointing at a selected style template for the predetermined region (figure 7: selecting the *style template, which includes center and large image size features for the header; selecting the style template for the header, which is a predetermined region, inherently indicates receiving a style template selection signal since the system would receive such a signal when the style selection for the header is made*)

- automatically generating an updated web page layout responsive to receiving the style template selection signal (figure 7: the preview feature inherently shows that the updated web page layout is automatically generated after selecting a style for the header to show how the web page is presented for previewing)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Moore into Jois since Moore provides selecting a style template for a header, which is a predetermined region of a web page layout and generating a updated web page layout upon selecting a style for a predetermined region, and Jois provides the master template with the subtemplates for the predetermined regions of a web page. The combination of Moore into Jois would give a user an instant update of a web page layout by updating a portion of the layout via *selecting a predetermined portion* with its associated subtemplate and *a desired style* instead of waiting for updating the whole template of the web page.

Regarding claim 2, which is dependent on claim 1, Jois does not explicitly disclose that

the predetermined region of the web page layout is a horizontal region spanning an

entire width of the web page layout.

Instead, Jois discloses the subtemplate #410 is a title and table of content template

(figures 4 and 5).

Moore discloses that the header of a page, which is equivalent to a title of the page, is

on the top of the page where a user can select the image size to a large size (figure 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Moore into Jois to modify the position of the title to be on

the top of the page instead of on the left side as in Jois and covering the entire width of

the web page layout by changing the title size.

Regarding claim 62, which is dependent on claim 1, Jois does not disclose uploading

the updated web page layout to a server, the updated web page layout including at least

one selected style template.

Moore provides the capability of changing the style of a predetermined region (figure 7:

the image in the header can be changed to Right or Left instead of Center). Moore also

provides the Preview feature for previewing the header after the change or the update is

made to the header (figure 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to have modified Moore to include uploading the updated web page

layout to the server since updating the web page layout and previewing the updated

web page suggests that the updated web page layout would be uploaded to the server

for presenting the web page in the Internet.

Also, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to have combined Moore into Jois since Moore suggests uploading

the updated web page to the server providing the advantage to incorporate into Jois for

rapidly presenting an updated web page on the Internet whenever a portion of web

page layout is updated instead of waiting for the whole web page layout is generated.

Regarding claim 3, which is dependent on claim 62, Jois discloses that:

- the selected style template includes a space for information that is related to the

    style of the style template (col 7, lines 6-25: the web page is generated based on

    the master template composed of the three subtemplates; it was well known that

    each template has the spaces for filling data related to the template)

- inserting the information related to the style of the template into the space before

    the step of uploading the updated web page layout (col 7, lines 6-25: inserting

    the contents of the web page into the templates)

Regarding claim 4, which is dependent on claim 3, Jois discloses that the information

related to the style of the template is a title (figure 4, col 5, line 60 to col 6, line 34: one

of the subtemplate is a title template).

Regarding claim 5, which is dependent on claim 3, Jois discloses that the information

related to the style of the template is textual (col 5, line 60 to col 6, line 34: it was well

known that data filled in a template is textual information).

Regarding claim 6, which is dependent on claim 3, Jois discloses that the information

related to the style of the template includes hypertext link information (col 6, line 63 to

col 7, line 25: it was well known that the contents of the templates can be hypertext link

information).

Regarding claim 7, which is dependent on claim 3, Jois discloses that the information

related to the style of the style template includes at least two of image information,

graphical information, textual information, and audio information (col 5, line 60 to col 6,

line 45: the template includes the title and the table of contents, which are text

information, and also includes selection buttons or the "add" button, which are graphical

information).

Regarding claim 8, which is dependent on claim 3, Jois discloses that the information

related to the style of the style template is a pointer to a file containing information that

is to be inserted into the selected template (col 7, lines 6-54: the fact that the contents of

the subtemplates are inserted to generate the web page indicates that there is a pointer

to a file containing data to be inserted into the templates).

Regarding claims 9 and 10, which are dependent on claim 8, Jois discloses that the file contains image information and graphical information (col 5, line 60 to col 6, line 45: the template includes the title and the table of contents, which are text information, and also includes selection buttons or the "add" button, which are graphical information).

Regarding claim 11, which is dependent on claim 8, Jois does not disclose explicitly that the file contains audio information. Instead, Jois discloses that a web page is capable of carrying multimedia information (col 4, lines 42-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Jois to include the audio information since the multimedia information in the web page in Jois, which includes text, graphics, video, and audio data, suggests the audio information.

Regarding claim 12, which is dependent on claim 1, Jois discloses that the selected style template is one of a title template, a text template, an audio template, a picture template, a parallel column template and a navigational bar template (figures 4 and 5).

Regarding claim 13, which is dependent on claim 1, Jois does not disclose selecting a style template includes a step of selecting a graphical icon representing the style of the template.

Moore discloses selecting a graphical icon representing the style of the template (figure 9: the icons of text, image, or media are for selecting different styles for the template).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Moore into Jois to provide a visual tool for easily selecting

an item.

Regarding claim 14, which is dependent on claim 1, Jois discloses concatenating a

plurality of selected style templates to generate the web page layout (figure 5: arranging

the templates included the master template to generate the web page layout).

Regarding claim 15, which is dependent on claim 1, Jois discloses recording the web

page layout as a macro style template (figure 5: the master template, since including the

subtemplates is considered as a macro template).

Regarding claim 16, which is dependent on claim 15, Jois discloses:

- selecting the macro style template (col 5, line 60 to col 6, line 34: the master

    template is selected for filling data for the subpages)

- inserting information related to the style of each style template forming the macro

    style template (col 5, line 60 to col 6, line 34: filling data to each subtemplate of

    the master template where each subtemplate has different style)

Jois does not disclose uploading the updated web page layout to a server.

Moore provides the capability of changing the style of a predetermined region (figure 7:

the image in the header can be changed to Right or Left instead of Center). Moore also

provides the Preview feature for previewing the header after the change or the update is made to the header (figure 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Moore to include uploading the updated web page layout to the server since updating the web page layout and previewing the updated web page suggests that the updated web page layout would be uploaded to the server for presenting the web page in the Internet.

Also, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Moore into Jois since Moore suggests uploading the updated web page to the server providing the advantage to incorporate into Jois for rapidly presenting an updated web page on the Internet whenever a portion of web page layout is updated instead of waiting for the whole web page layout is generated.

Regarding independent claim 17, the claim includes the same limitations as in independent claim 1, and is rejected under the same rationale. The only exception is that instead of "a style template", the claim states "a macro style template."
Jois discloses the master template including the subtemplates, which is considered as the macro style template, to generate the web page (col 6, lines 14-24).

Claims 18-22 include the same limitations as in claims 2-3, 7-8, 12-13, and are rejected under the same rationale.

Independent claim 23 is for a computer-readable medium of claims 1 and 62, and

therefore is rejected under the same rationale.

Claims 24-38 are for a computer-readable medium of claims 2-16, and therefore are

rejected under the same rationale.

Claims 39-42 are for a computer-readable medium of claims 17-20, and therefore are

rejected under the same rationale.

Claims 43-44 are for a computer-readable medium of claims 21-22, and therefore are

rejected under the same rationale.

Regarding independent claim 45, Jois discloses:

- displaying a web page layout on a display (figure 4-5, col 5, line 42 to col 6, line

    14)

- displaying a plurality of style templates on a display, each style template

    representing a layout style for a predetermined region of a web page layout

    (figures 4-5, col 5, lines 5-16, 42 to col 6, line 13: there are a plurality of style

    templates such as the title and table of content style, the style for the invoice and

    the style for the catalog templates)

- the master template includes the subtemplates, which are equivalent to the

    predetermined regions of the web page layout (col 6, lines 14-25, figure 5)

Jois does not explicitly:

- receiving a style template selection signal indicative of the user interface

  selection device pointing at a selected style template on the display, the selected

  style template associated with at least one HTML code defining a style of the

  style template

- displaying an updated web page layout in response to the received style

  template selection signal

Moore discloses:

- receiving a style template selection signal indicative of the user selection device

  pointing at a selected style template for the predetermined region (figure 7:

  selecting the *style template, which includes center and large image size features*

  for the header; selecting the style template for the header, which is a

  predetermined region, inherently indicates receiving a style template selection

  signal since the system would receive such a signal when the style selection for

  the header is made)

- generating an updated web page layout responsive to receiving the style

  template selection signal (figure 7: the preview feature inherently shows that the

  updated web page layout is generated for previewing after selecting a style for

  the header to show how the web page is presented)

- displaying a web page layout with "Modify Page Layout" feature (figure 10)

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Moore into Jois since Moore provides selecting a style

template for a header, which is a predetermined region of a web page layout and

generating a updated web page layout upon selecting a style for a predetermined

region, and Jois provides the master template with the subtemplates for the

predetermined regions of a web page. The combination of Moore into Jois would give a

user an instant update of a web page layout by updating a portion of the layout via

selecting a predetermined portion with its associated subtemplate and *a desired style*

instead of waiting for updating the whole template of the web page. Also, the "Modify

Page Layout" feature when applied for the displayed web page layout in Moore (figure

10) further suggests to display the updated web page layout after modifying the

displayed page layout.

Regarding claim 46, which is dependent on claim 45, Jois does not disclose:

- uploading the updated web page layout to a server in response to the uploading

  layout entry, the web page layout including at least one selected style template

- displaying an uploading layout command selection on the display

- receiving an uploading layout entry selection signal indicative of the user

  interface device pointing at the uploading layout command selection

However, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to have modified Jois to include "displaying an uploading layout

command ..." and "receiving an uploading layout entry ..." for the following reason. The

fact that Jois has the ability of uploading the web page to the server (col 8, lines 1-10)

suggests the display of an uploading layout command as well as the uploading layout

entry selection signal since before uploading the web page, the uploading command should be selected, and so the uploading selection signal should be received upon the uploading selection action.

Moore provides the capability of changing the style of a predetermined region (figure 7: the image in the header can be changed to Right or Left instead of Center). Moore also provides the Preview feature for previewing the header after the change or the update is made to the header (figure 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Moore to include uploading the updated web page layout to the server since updating the web page layout and previewing the updated web page suggests that the updated web page layout would be uploaded to the server for presenting the web page in the Internet.

Also, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Moore into Jois since Moore suggests uploading the updated web page to the server providing the advantage to incorporate into Jois for rapidly presenting an updated web page on the Internet whenever a portion of web page layout is updated instead of waiting for the whole web page layout is generated.

Claims 47-61 includes the same limitations as in claims 2-16, and are rejected under the same rationale.

Regarding claim 63, which is dependent on claim 1, Jois discloses:

- selecting a second predetermined region of the web page layout (figures 4 and 5:

   the three regions in the web page layout can be selected as a first, second, or

   third region of the web page)

- selecting a style template for the second predetermined region (figure 4: the style

   template for a region in the composite web page can be selected as a title and

   table of contents, an interactive invoice, or a catalog listing with user selection

   style)

Claim 64 includes the same limitation of claim 62, and is rejected under the same

rationale.

Regarding claim 65, which is dependent on claim 1, Jois does not disclose uploading

the updated web page layout responsive to receiving the style template selection signal.

Moore discloses updating the web page layout responsive to receiving the style

template selection signal (**figure 7**: the preview feature inherently shows that the web

page layout is updated for previewing after selecting a style for the header).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Moore into Jois for the following reason. Updating a web

page layout in response to the received style template selection signal in Moore

suggests that the web page, after updated, would be uploaded to the server to show

how the updated web page is presented in the Internet.   Moore, therefore, provides the

advantage to incorporate into Jois for uploading the updated web page whenever any

update or change is made to a portion of the web page instead of waiting for the whole

web page layout to be updated to upload.

Regarding claim 66, which is dependent on claim 1, Jois does not disclose:

- receiving a second predetermined selection signal indicative of the user interface

    pointing at a second selected predetermined region of the updated web page

    layout

- receiving a second style template selection signal indicative of the user selection

    input device pointing at a second selected style template for the second

    predetermined region, the second style template including at least one HTML

    code defining a style of the second style template

- generating a newly-updated web page responsive to receiving the second style

    template selection signal

Moore discloses that the style of the header, which is a predetermined region of the web

page, can be changed by selecting either Left, Center, or Right button, and by selecting

different size of the image in the pop-up menu (figure 7). The updated layout of the web

page after changing style can be viewed by selecting the Preview feature (figure 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Moore into Jois for the following reason. The fact that

Moore discloses that the header can be changed by selecting different style such as

Left, Center, or Right, and the size of the image suggests that a user *can select another*

style such as Right with the large size, which is *considered equivalent to the second*

style template, instead of the current style Center for the header. Further, the Preview

feature in Moore also suggests that the newly-updated web page is generated to

provide the updated web page to user for previewing before printing or saving.

Regarding claim 67, which is dependent on claim 66, Moore discloses that the first and

second predetermined regions are the same region (figure 7: the first and the second

predetermined regions are the same header).

Regarding claim 68, which is dependent on claim 66, Moore discloses that the first and

second selected style templates are different style templates (figure 7: the Center with

Large size and the Right with Large size are different style templates).

(11)   Response to Argument

Appellant argues that there is no description of a signal indicative of a user interface

selection device pointing at a selected predetermined region of the web page layout

since Jois (col 6, lines 14-25) describes a scheme for composing a Web page where a

master template defines a boundary and is composed of template tags that identify and

mark the location for subtemplates to be inserted to create a Web page, and Moore fails

to cure this deficiency of Jois (Brief, page 5).

Examiner respectfully disagrees.

Jois discloses that the master template is composed of the subtemplates (col 6, lines

14-25, also figure 5) where each subtemplate is a predetermined region of the web

page layout and includes at least one HTML code for defining the layout of the web

page. Moore shows changing the style of the header, which is a predetermined region

of a web page layout (figure 7: the style of the header can be changed to Left, Right, or

Center) where changing the style of the header by *clicking on* Left, Right or Center of

the header template shows a selecting device pointing at a selected predetermined

region, which is the header, of the web page layout. The combination of Moore into

Jois would provide an effective tool for generating web page layout which allows the

web page layout to be updated partially by users by updating a selected predetermined

region of the page layout.

Appellant argue that Jois and Moore fail to teach or suggest "automatically generating

an updated web page layout responsive to receiving the style template selection signal"

as recited in claims 1 and 23 since the preview web page is not generated automatically

responsive to receiving the style template selection signal and reviewing is performed

by user (Brief, page 4).

Examiner respectfully disagrees.

When a user clicks on the Left, Right, or Center button for selecting a style for the

header (figure 7), the style of the header is changed automatically by the system. The

web page layout including the header, thus, is automatically generated when receiving

the style template selection signal for the header. It is true that a user has to select

Preview (figure 7) to look the web page corresponding to the web page layout just

updated. However, it is clear that *generating such an updated web page layout is*

performed automatically by the system, not by user, when receiving a request by a user

for changing the style of the header.

Applicant argues that Jois and Moore do not disclose "displaying a web page layout on

a display" and "automatically displaying an updated web page layout in response to the

received style template selection signal" as recited in independent claim 45 since figure

4 of Jois is the end result after a Web page has been created (Brief, page 6).

In response to this argument, the Examiner agrees that Figure 4 of Jois shows the web

page. However, this is the web page of a corresponding master template, which is a

web page layout, in figure 5 (and also col 5, line 42 to col 6, line 14). As mentioned

above, Jois discloses a master template including subtemplates (figure 5). Moore

discloses updating the header, which is a predetermined region in a web page layout,

by clicking on the Left, Right, or Center button (figure 7). Moore further discloses

displaying a web page layout and provides the option of "Modify Page Layout" (figure

10). Said _modifying feature on the displayed page layout,_ thus, motivates displaying an

updated web page layout when applying "Modify Page Layout" to change the page

layout.

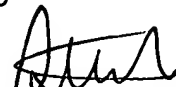For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Examiner
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clh
August 30, 2005

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